

Section 2 of the 2010 FSA reduced the penalties for offenses involving cocaine base by increasing the threshold drug quantities required to trigger mandatory minimum sentences under 21 U.S.C. § 841(b)(1). The 2018 FSA provides that the court may, on motion of the defendant, the Director of the Bureau of Prisons, the attorney for the Government, or the court, impose a reduced

sentence as if the 2010 FSA were in effect at the time the defendant's crime was committed. 2018 FSA § 404(b).

The defendant was indicted in this court on April 8, 2013, and charged with, among other things, possessing a firearm after having been convicted of a felony (Count One), distributing and possessing with the intent to distribute cocaine base (Counts Three and Four), and possessing with the intent to distribute 28 grams or more of a mixture or substance containing cocaine base (Count Five). The defendant pleaded guilty to Counts One and Three. On October 23, 2013, the defendant was sentenced to a term of 180 months of imprisonment to be followed by a five-year period of supervised release.

Because the defendant was sentenced in 2013, he has already been sentenced in accordance with the 2010 FSA. Thus, any motion seeking a reduced sentence pursuant to the 2018 FSA would lack merit.

Accordingly, it is hereby **ORDERED** that the Motions to Appoint Counsel, ECF Nos. 92 and 93, are DENIED.

ENTER: April 29, 2019

/s/ James P. Jones
United States District Judge